



**The Comptroller General
of the United States**

Washington, D.C. 20548

Cunningham

Decision

Matter of: Advance Manufacturing Corporation

File: B-223977

Date: November 17, 1986

DIGEST

Protest against issuance of delivery order to lower priced Federal Supply Schedule contractor on the ground that selected system did not offer all of the features required by contracting agency is denied where system ordered meets all written specifications and record indicates that protester's belief that more features were required resulted from its communications with unauthorized agency personnel.

DECISION

Advance Manufacturing Corporation protests the Department of the Interior's issuance of a delivery order to White Office Systems, Inc., for two high density movable shelf filing systems, under the General Services Administration Federal Supply Schedule (FSS). Advance contends that White's quotation is not responsive to Interior's requirements as Advance understands them. We deny the protest.

Because the two filing systems were considered unique and complex, Interior contacted both Advance's and White's local representatives for assistance in configuring the systems. Interior's authorized purchasing agent ultimately provided both representatives with written specifications for two White Model CD1000 (mechanical assist) systems or equal, with listed salient characteristics. Interior determined that both Advance and White offered acceptable products. Since White's total quote for both systems was less than Advance's, Interior issued a delivery order to White for the systems on July 29, 1986.

Advance protests that the system configured and quoted by White should not have been accepted for award because it lacks 12 features which Advance understood were necessary, such as a minimum of two file dividers per shelf face, at least two access aisles, and a maximum reaching height of seven feet.

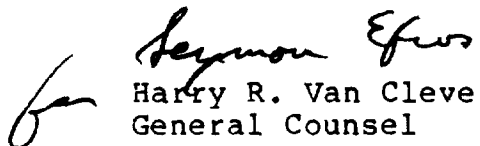
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Interior takes the position that its minimum needs were fully set out in the written specifications, and that White's offered system meets all of the listed requirements. Interior believes that Advance's apparent understanding that there were additional requirements not listed in the specifications may be based on statements by unauthorized Interior personnel to whom the firm talked when configuring its systems.

Although Interior did not issue a formal request for quotations, it did inform the firms of its minimum needs by furnishing them with written specifications. Such a list of salient characteristics constitutes a determination of an agency's minimum needs, and is a proper basis for an FSS award. MII Lundia, Inc., B-214715, Jan. 3, 1985, 85-1 CPD ¶ 14. Ten of the features Advance claims are not available with White's system do not appear in these written specifications, and while the two remaining features cited by Advance (use of existing shelving and mechanical assist operation) do appear in the specifications, White's system reportedly includes these features. Since White's system thus satisfied all of the written specifications, White was entitled to the award based on its low offered price.

Advance basically confirms that it derived its understanding of Interior's requirements from discussions with Interior personnel, and has not taken issue with Interior's explanation that the representations in question were not made by the purchasing agent or other authorized personnel. A firm relies on such information at its own peril. See generally, J.F. Edmonds, Inc., B-214928, Apr. 23, 1984, 84-1 CPD ¶ 462. It remains that White's system conformed to the specifications and that, as the agency reports, these specifications in fact represent Interior's legitimate minimum needs. Since federal agencies must procure from the FSS at the lowest price consistent with their minimum needs, American Sterilizer Co., B-212933, Jan. 26, 1984, 84-1 CPD ¶ 122, there is no legal reason to object to the award to White based on the written specifications.

The protest is denied.


Harry R. Van Cleve
General Counsel